

Message

From: Sawyer, Katie (Marshall) [Katie_Sawyer@marshall.senate.gov]
Sent: 7/8/2021 9:23:14 PM
To: Feustel, Ingrid [feustel.ingrid@epa.gov]
CC: Sanders, LaTonya [Sanders.Latonya@epa.gov]; Jones, Doug [jones.doug@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Adhar, Radha [Adhar.Radha@epa.gov]
Subject: Re: Sen. Marshall Inquiry on Engina-based Products Extension Request

Thank you all. Appreciate your attention and response to our request.

Best,

Katie Sawyer | State Director
U.S. Senator Roger Marshall, M.D.
C: (785)714-0096
Katie_sawyer@marshall.senate.gov

From: "Feustel, Ingrid" <feustel.ingrid@epa.gov>
Date: Thursday, July 8, 2021 at 3:07 PM
To: "Sawyer, Katie (Marshall)" <Katie_Sawyer@marshall.senate.gov>
Cc: "Sanders, LaTonya" <Sanders.Latonya@epa.gov>, "Jones, Doug" <jones.doug@epa.gov>, "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>, "Adhar, Radha" <Adhar.Radha@epa.gov>
Subject: RE: Sen. Marshall Inquiry on Engina-based Products Extension Request

Katie – thank you again for forwarding your constituent’s request. EPA’s response is below.

As you may know, Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizes EPA to allow Emergency Exemptions (also called “Section 18s”) for unregistered uses of pesticides to address emergency conditions. Under such an exemption, EPA allows limited use of the pesticide in defined geographic areas for a finite period of time once EPA confirms that the situation meets that statutory definition of "emergency condition." The process for a FIFRA section 18 would be for the Kansas Dept. of Agriculture to apply to EPA for this type of exemption. Information on this process can be found on our website here: <https://www.epa.gov/pesticide-registration/pesticide-emergency-exemptions>.

However, while EPA acknowledges that grower flexibility would be enhanced by the use extension you are seeking, particularly for producers that rely on a later planting schedule, at this time EPA has determined that there is insufficient information available to show how dicamba could be used after EPA’s established cutoff dates without causing unreasonable adverse effects on the surrounding environment, including possible crop damage caused by off-target movement of dicamba.

Since EPA’s 2020 decision was issued this past October, new data has not been made available that would justify any request to allow for more or longer dicamba spraying seasons. In addition, data are not currently available to demonstrate that control measures less restrictive than the 2020 control measures are equally protective. EPA issued its 2020 decision after a court vacated an earlier 2018 decision, finding that EPA substantially understated the risks that it acknowledged, and that EPA entirely failed to acknowledge other risks. EPA’s 2020 decision includes measures supported by EPA’s risk assessments that can prevent damage to non-target plants that may have occurred in recent years, while allowing use of dicamba in a manner both protective of the environment and responsive to that court decision. The Office of the Inspector General (OIG) completed an investigation regarding EPA’s 2018 registration

decision for dicamba. OIG found that then-OCSPP senior leadership at the time of the 2018 decision directed career staff to change or omit information from scientific documents. This interference contributed to a court's vacating registrations for violating FIFRA by substantially understating or ignoring some risks.

Under the Biden-Harris Administration, EPA has returned to its core mission of protecting human health and the environment. EPA is committed to listening to its experts during the decision-making process and ensuring that decisions under the Federal Insecticide, Fungicide and Rodenticide Act are guided by science. EPA looks forward to continuing to work with our state partners to collect data on the effectiveness of EPA's new risk control measures that are being implemented for the first time in the 2021 growing season. EPA will also continue to provide effective pesticide tools that can be used in a way that protects human health and the environment, including non-target plants, animals, and other crops.

Supporting Documents:

- "There is ample record evidence that off-field emissions and incidents tied to dicamba use have been associated with late season applications"
 - [Dicamba Use on Genetically Modified Dicamba-Tolerant \(DT\) Cotton and Soybean: Incidents and Impacts to Users and Non-Users from Proposed Registrations](#)
 - [Dicamba DGA and BAPMA Salts – 2020 Ecological Assessment of Dicamba Use on Dicamba-Tolerant \(DT\) Cotton and Soybean Including Effects Determinations for Federally Listed Threatened and Endangered Species](#)
- "The EPA has identified efficacious alternatives to the dicamba-tolerant system in soybean that growers planting double crop soybean could utilize to provide control of glyphosate resistant weeds."
 - [Assessment of the Benefits of Dicamba Use in Genetically Modified, Dicamba-Tolerant Cotton Production](#)

Let us know if there are additional questions. Best,
Ingrid

Ingrid S. Feustel

Office of Congressional and Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-3199

Feustel.Ingrid@epa.gov

Pronouns: she, her, hers

From: Feustel, Ingrid

Sent: Monday, June 28, 2021 11:53 AM

To: 'Katie_Sawyer@marshall.senate.gov' <Katie_Sawyer@marshall.senate.gov>

Cc: Sanders, LaTonya <Sanders.Latonya@epa.gov>; 'jones.doug@epa.gov' <jones.doug@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Adhar, Radha <Adhar.Radha@epa.gov>

Subject: Sen. Marshall Inquiry on Engina-based Products Extension Request

Katie – thanks for forwarding your constituent's request related to Engina-based Products. We'll be glad to look into it and provide a response. Please let us know if there are any additional questions.

Best,
Ingrid

Ingrid S. Feustel

Office of Congressional and Intergovernmental Relations

U.S. Environmental Protection Agency

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Pronouns: she, her, hers

From: Sawyer, Katie (Marshall) <Katie_Sawyer@marshall.senate.gov>

Sent: Monday, June 28, 2021 10:16 AM

To: Sanders, LaTonya <Sanders.Latonya@epa.gov>

Cc: Jones, Doug <jones.doug@epa.gov>

Subject: Engina-based Products Extension Request

LaTonya,

Good morning. I have a group of coops looking for a Section 18 label extension for Engina-based products for the State of Kansas. We have several coops asking for the extension due to use the products to control weeds in wheat stubble following wheat harvest.

The coops are asking for an extension to July 10 or July 15, if possible. The current deadline is June 30.

Please let me know what additional information you need from me. Happy to hop on the phone if that's easier or connect you all with cooperative representatives.

Best,

Katie Sawyer | State Director

U.S. Senator Roger Marshall, M.D.

C: (785)714-0096

Katie_sawyer@marshall.senate.gov